

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Harrisburg Division

Case No.

3:17-CV-159
(to be filled in by the Clerk's Office)

KIRK CLAUSER

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

WORLD'S FOREMOST BANK; BRUMBAUGH &
QUANDAH, PCLLC; JAFFE & ASHER, LLP;
AMY F. DOYLE, an individual; PHILIP C.
WARHOLIC, an individual; and DOES 1-50,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

FILED
HARRISBURG, PAJAN 27 2017
VE

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	KIRK CLAUSER
Street Address	174 STONY MOUNTAIN ROAD
City and County	AUBURN, SCHUYKILL
State and Zip Code	Pennsylvania 17922
Telephone Number	570-449-4985
E-mail Address	clouser9@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	WORLD'S FOREMOST BANK
Job or Title (<i>if known</i>)	Financial Corporation
Street Address	4800 NW 1st St # 300
City and County	Lincoln, Lancaster
State and Zip Code	Nebraska, 68521
Telephone Number	402-323-4300
E-mail Address (<i>if known</i>)	wfblegal@cabelas.com

Defendant No. 2

Name	BRUMBAUGH & QUANDAHL, PCLLC
Job or Title (<i>if known</i>)	Law Firm
Street Address	4885 S 118th St #100
City and County	Omaha, Douglas
State and Zip Code	Nebraska, 68137
Telephone Number	402-554-4400
E-mail Address (<i>if known</i>)	bandq@bqlaw.com

Defendant No. 3

Name	JAFFE & ASHER, LLP
Job or Title (<i>if known</i>)	Law Firm
Street Address	2041 Springwood Road
City and County	York, York County
State and Zip Code	PA 17403
Telephone Number	717-801-1523
E-mail Address (<i>if known</i>)	ClientServices@JaffeandAsher.com

Defendant No. 4

Name	AMY F. DOYLE
Job or Title (<i>if known</i>)	Attorney
Street Address	2041 Springwood Road
City and County	York, York County
State and Zip Code	PA 17403
Telephone Number	717-801-1523

Attachment

KIRK CLAUSER v. WORLD'S FOREMOST BANK, et al.

I. The Parties to This Complaint

B. The Defendant(s)

Defendant No. 5

PHILIP C. WARHOLIC
Attorney
2041 Springwood Road
York, York County
PA 17403
212-687-3000 x 2613
PWarholic@jaffeandasher.com

E-mail Address *(if known)* ADoyle@JaffeandAsher.com

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 USC Section 1692; 12 USC Section 24(7), Amendments 5 and 14 of U.S. Constitution

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of _____.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

the State of *(name)* . Or is a citizen of
(foreign nation) .

b. If the defendant is a corporation

The defendant, *(name)* , is incorporated under
the laws of the State of *(name)* , and has its
principal place of business in the State of *(name)* .
Or is incorporated under the laws of *(foreign nation)* ,
and has its principal place of business in *(name)* .

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Pennsylvania

B. What date and approximate time did the events giving rise to your claim(s) occur?

August 1, 2015; August 24, 2015; October 13, 2015; June 1, 2016; June 25, 2016; June 27, 2016; November 15, 2016; November 22, 2016; December 9, 2016; December 14, 2016; December 15, 2016; and December 21, 2016.

Also, see Plaintiff's Verified Complaint herein.

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

1. Defendants attempt to collect on an alleged debt that was not validated.
 2. Defendants prematurely filed a county court action without first validating the alleged debt.
 3. All Defendants worked in concert to violate Plaintiff's statutory & Constitutional rights to due process by sending demand letters and file a county court action without responding to Plaintiff's demand for Defendants to validate and verify the alleged debt.
 4. Defendants failed to respond to Plaintiff's Notice of Dispute.
 5. Defendants produced no valid evidence to support their claims in county court.
 6. Defendants failed to produce a proper accounting of the alleged debt.
 7. Defendants used deceptive and false claims in their attempt to collect an alleged debt. Those claims included demand letters, pleadings in court, and simulating a Summons process.
 8. Defendant WORLD'S FOREMOST BANK lacks standing in the county court in Pennsylvania. Defendant Amy F. Doyle signed a verification of this fact on the Complaint.
-

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Plaintiff's credit is being damaged by the acts of the Defendants.

Plaintiff continually faces the need to defend against the ongoing court action lodged by the Defendants.

Plaintiff has been made to expend money to defend the unlawful action of the Defendants. Expenses include, but are not limited to, court filing fees, costs in preparation of the pleadings for court, and loss of time expended in the research of a defense.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Declaratory judgment deeming Defendants actions are in violation of law.

Injunctive relief to stop the continuing unlawful judicial abuses being perpetrated by Defendants against Plaintiff. Defendants have not validated and verified their alleged claim of debt.

Actual damages in the amount of \$1,000 for each law violation, and from each Defendant pursuant to 15 USC Section 1692(k), and Pennsylvania Statute §201-4.1.

Statutory damages in defending court action pursuant to 15 USC Section 1692(k)(a).

Punitive damages in the amount of \$2,000 from each Defendant due to Defendant's abuse of process and rights. Also, see Plaintiff's Verified Complaint herein.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/27/17

Signature of Plaintiff

Printed Name of Plaintiff


Kirk Clauser

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

E-mail Address